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16815 Royal Crest Dr., Suite 130
Houston, Texas 77058
TEL 281-480-2700
FAX 281-480-2701

DATE: May 21, 2007
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COMPANY: United States Patent & Trademark Office
FROM: ROBB D. EDMONDS
PAGE(S) with cover: 6
ORIGINAL TO FOLLOW? ☐ YES ☒ NO

**RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF
SUBMITTED UNDER 37 C.F.R. § 41.37**

TITLE: "IN-LINE METHOD AND APPARATUS TO PREVENT FOULING OF HEAT EXCHANGERS"
U.S. SERIAL NO.: 09/773,438
FILING DATE: January 31, 2001
INVENTOR: Dennis L. Salbilla
EXAMINER: Chorbaji, Monzer R.
GROUP ART UNIT: 1744
CONFIRMATION NO.: 3287

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PTO/SB/21 (09-04)


Approved for use through 07/31/2006. OMB 0651-0031

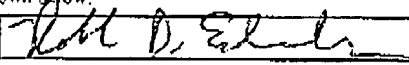
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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/773,438	
	Filing Date	January 31, 2001	
	First Named Inventor	Dennis L. Salbilla	
	Art Unit	1744	
	Examiner Name	Monzer R. Chorbaji	
Total Number of Pages in This Submission	4	Attorney Docket Number	SALB/002

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Response To Notification Of Non-Compliant Appeal Brief Submitted Under 37 C.F.R. § 41) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks Applicant is a small entity. Customer No. 60935		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
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Date	May 21, 2007	Reg. No.	46,681

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Typed or printed name	Robb D. Edmonds	Date	May 21, 2007

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	
Dennis L. Salbilla	§	Examiner: Monzer R. Chorbaji
	§	
Serial No.: 09/773,438	§	Group Art Unit: 1744
	§	
Filed: January 31, 2001	§	Docket No: SALB/0002
	§	
For: In-Line Method and Apparatus	§	Confirmation 3287
to Prevent Fouling of Heat	§	No.:
Exchangers	§	
	§	Date: May 21, 2007

Mail Stop Appeal Brief- Patents
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Alexandria, VA 22313-1450

Dear Examiner:

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF
SUBMITTED UNDER 37 C.F.R. § 41.37

Applicant submits this Response to Notification of Non-Compliant Appeal Brief to the Board of Patent Appeals and Interferences on appeal from the decision of the Examiner of Group Art Unit 1744 dated July 26, 2006, finally rejecting claims 1, 5, 6, 14, 15, 27, 29-32 and 34-38.

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REMARKS

Applicant submits this Response to the Notification of Non-Compliant Appeal Brief dated May 10, 2007. The Notification states, "The claimed invention is not mapped to identify independent claims 1, 27, 29, and 32, which shall refer to the specification by page and line number and to the drawing, if any."

Applicant is submitting herewith a replacement section titled "*V. Summary of Claimed Subject Matter*," satisfactorily replying to the Notification and Examiner's request. Pursuant to MPEP 1205.03, "a new brief need not, and should not, be filed" in this instance. Instead, "a paper providing the noted deficiency will suffice." Accordingly, the replacement section appended hereto is being submitted in response to the Notification of Non-Compliant Appeal Brief. Withdrawal of the deficiency and consideration of Applicant's Appeal Brief previously submitted, and amended herein, is respectfully requested.

Respectfully submitted,



Robb D. Edmonds
Registration No. 46,681
ATTORNEY FOR APPLICANT

EDMONDS P.C.
16815 Royal Crest Drive
Suite 130
Houston, Texas 77058
TEL: 281-480-2700
FAX: 281-480-2701

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V. Summary of Claimed Subject Matter

The independent claims are claims 1, 27, 29, and 32. The subject matter defined in each independent claim relates to a method for improved hydrocarbon refining efficiency by preventing the fouling of process components or reducing the fouling of process components within a liquid hydrocarbon stream. More particularly, the claimed methods for improved hydrocarbon refining efficiency includes applying a continual electric charge to an object within a flow path of said liquid hydrocarbon stream (e.g. page 12, ll. 13-15), wherein said liquid hydrocarbon stream contains at least one contaminant (e.g. page 12, ll. 16-19); flowing said liquid hydrocarbon stream past said continual electric charge (e.g. page 2, ll. 1-2; page 2, ll. 4-6; page 7, ll. 17-18; page 7, ll. 18-21; page 9, ll. 8-10; page 12, line 12 through page 13, line 11; page 15, line 9; page 15, line 17; and page 20, line 5; page 16, line 6 through page 17, line 21); and then adjusting the magnitude of said continual electric charge while continuing said flowing step (e.g. page 13, ll. 3-4; page 17, ll. 10-15).

In claims 1, 27, 29, and 32, and those dependent therefrom, efficiency is reduced when process components, such as heat exchangers, are fouled. See, specification at page 11, ll. 1-3. To improve efficiency, an electric charge can be applied to a surface of a process component, such as a heat exchanger, or to a surface of an object near or upstream of the process component. Id. at page 12, ll. 13-15. The effect of the electric charge will be to trap contaminants or otherwise keep the process component or the critical parts of the process component free of contaminant. Id. at page 12, ll. 16-17. Illustrative contaminants include coke, fly ash and catalyst particles. Id. at page 12, line 19. The charge is ideally powerful enough to keep the contaminants/foulants away from the process component (i.e. heat exchanger). Id. at page 13, line 1. As contaminant levels increase, an increase in charge is called for. Id. at page 13, ll. 3-4 and at page 17, ll. 10-15.

The charge can be attractive or repulsive. Id. at page 13, line 4. This charge can be applied through the use of a voltage source electrically coupled (e.g., by a simple wire or other common means) to the target surface. Id. at page 13, ll. 4-7. The attractive or

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repulsive voltage can be direct (DC) or sinusoidal (AC). Id. at page 13, ll. 7-8.¹ As long as the applied voltage and the resulting charge are of a sufficient magnitude to adequately attract or repel the foulants, it is immaterial whether the voltage is constant or modulated in some way (e.g., sinusoidally modulated). Id. at page 13, ll. 8-11.

¹ See, amendments made to the specification at page 12, line 12 through page 13, line 11 in Applicant's Response to Final Office Action of April 25, 2005.